

**Category #34:**

The Guidelines should examine the need for cleaning product efficacy testing and its relationship to the Green Seal certification process.

**State Response:**

The sample list of approved cleaning products was developed to ensure a level playing field and school districts should have information concerning product efficacy. Originally, a column showing a product effectiveness rating was anticipated, that would allow users to compare products by a number of criteria, including an effectiveness rating. Unfortunately, because Green Seal accepts a variety of different efficacy tests from product manufacturers, there is not a uniform point of comparison. There was no requirement for companies who were all ready Green Seal certified to undergo additional testing, but to simply provide their GS-37 efficacy scores that are a required part of the GS-37 process. There is agreement that laboratory tests for efficacy are not perfect, but they could potentially provide at least one way to compare one cleaning product against another, as long as the testing protocol is the same. Unfortunately, given the fact that there is a number of product efficacy testing protocols, companies will not be required, at this point in time, to provide their product efficacy test scores.

**Frequently Asked Public Comment:**

Cleaning Efficacy Standard

--It is also my understanding that a Cleaning Efficacy standard will be published. While this may seem worthy, I believe it to be a non-productive use of time and money for the following reasons:

(1) Schools that will be subject to the green standard have been using cleaning products in their facilities for years. The products they use have been proven to be efficacious through on-site testing and concluded to be the best suited products for individual facilities. The schools use a variety of products because no two buildings are alike. They differ in activities, construction, staffing levels, traffic count, local environmental conditions, etc. The point is that the only way to determine if a product is effective for its intended use is to test it at a specific facility under actual conditions. (2) All manufacturers conduct benchmark testing in their laboratories before introducing a product since it would be grossly negligent and downright foolish to do otherwise. For example, if a manufacturer were to introduce a new cleaner that had not been proven effective through benchmark testing, consumers would not buy and use it and the manufacturer would have wasted valuable time and resources. (3) On the other hand, speaking as a professional Analytical Chemist, I can state without reservation that no laboratory test can unequivocally determine whether or not a product will actually work in the real world. The best that a laboratory test can do is to indicate that a product has a reasonable chance of working in the real world. (4) I would strongly suggest that the Guidelines be written (a) to confirm that the products on the approved list are "green" with respect to chemistry and formulation and (b) to allow the actual users of the products to evaluate cleaning efficacy in their facilities under real world conditions and circumstances.

(Robert Allen, Vice President Business Development, Pioneer Eclipse Corporation)

--(A) Regarding the Designation of Approved Products, we disagree that the OGS require efficacy testing data that is to be published. Green Seal requires the submittal of test results already in order to be certified, so this OGS effort would be redundant and a waste of resources. (B) Green Seal accepts more efficacy testing methods than the ASTM. Therefore, a Green Seal certified product might not have ASTM scores to submit. To require a company to submit to further testing when it has already been proven efficacious by Green Seal is further limiting to the choices available. We strongly disagree with this requirement. (C) For non-Green Seal certified products, we disagree with the requirement to submit ASTM testing results, for the same reasons cited above: Green Seal accepts more methods than ASTM. A company should provide one of the approved methods, not limited to ASTM standards.

(Deborah Lema, Research and Education, Racine Industries, Inc.)

--Both Green Seal and ECP have efficacy standards. By requiring certification, why do you also ask for the efficacy tests. If you want to verify the efficacy tests, why not verify all requirements of Green Seal. In addition, the efficacy tests could be somewhat subjective as various tests, by various people, comparing performance to various products, etc. were performed.

(Mike Sawchuk, Vice President and General Manager, Enviro-Solutions)

--Item V, sub-item B. Companies must submit their efficacy scores for each product based on Green Seal ASTM testing. This again is asking for separate information outside Green Seal requirements for certification. Green Seal does allow companies to use its internal performance testing procedures for evaluation against competitive products in its class (i.e., glass cleaners, GPC, etc.). This requirement will cause suppliers to re-run performance tests using the ASTM procedure at a cost and delay to the New York State. Our point of contention is, if a product is Green Seal certified, it automatically meets in-house requirements.

(Chuck Hodge, Scientist, Ecolab Inc., Eagan, Minnesota)

--Comments on Section V.B1, Efficacy Testing

- o NY is requiring efficacy testing scores for all products. We commend this approach.
- o Products certified to Environmental Choice or recognized through the U.S. EPA DfE Partnership should NOT be required to benchmark against GS-37. Rather, all products, including those certified to Green Seal standards, should be benchmarked against a list of key attributes of concern developed by NY. While these attributes may be informed by GS-37, they must also include concern for substances specifically relevant to children's health such as those with endocrine disrupting potential (e.g. certain phthalates) and substances that cause respiratory irritation or sensitization (such as oxidized components of some terpenes). NY could use the comprehensive list of attributes used by DfE for benchmarking products.
- o The guidance document should carefully distinguish between the terms testing, verification and certification. With respect to products that do not have Green Seal certification, the guidance document confuses the distinction between performing tests, verifying test results and verifying and/or certifying to the GS-37 standard which means verifying against multiple attributes – some of which involve tests and others of which require simple benchmarking against lists, assurance that certain substances are not in the formulation, etc.. A laboratory would perform tests while a 3<sup>rd</sup> party could verify or certify that the laboratory tests are valid OR that the product meets the multiple attributes of a standard. This confusion indicates a lack of understanding about certification practices but should be crystal clear in order to allow for real options.
- o Companies should have the option to submit verification from any qualified 3<sup>rd</sup> party that they meet the criteria of NY's selected standard. This is different from an affidavit as currently laid out. Verification or certification by any qualified 3<sup>rd</sup> party to a designated standard should be considered equal to verification or certification by Green Seal. Otherwise, there is the appearance of unwarranted bias. While the use of alternative 3<sup>rd</sup> parties still entails a certification cost, it is important to allow for options. Good standard setting practices result in a clear standard that can be certified by multiple qualified 3<sup>rd</sup> parties. And different certifiers will have different cost structures.

(Lauren Heine, Ph.D., Dir. Applied Science, GreenBlue, Charlottesville, VA)

--The Guidelines Must Require Selection of Equally Effective Cleaning Products to Protect Student and

## Employee Health

Senate Bill 5435 (Chapter 584 of the Laws of 2005) directs school districts and schools to purchase “environmentally sensitive” cleaning products. The stated purpose of the legislation is to reduce exposure of children and school staff to potentially harmful ingredients in cleaning products – but only “as much as possible.” What does “as much as possible” mean? Section 1 of the Bill answers that question, finding that environmentally sensitive cleaning products are available on the market that are “the same in form, function and utility” as less environmentally sensitive products. Thus, as the purpose and text of the legislation makes absolutely clear, environmentally sensitive products may only be selected where they are equally as effective in cleaning, sanitizing, and disinfecting as other products.

The legislative directive makes sense, because the most important function of a cleaning product is, of course, to clean effectively, including sanitizing and disinfecting. And the health of our children and school employees depends on a clean, sanitary environment, and thus on the use of effective cleaning products in the schools. Effective disinfection is critical to preventing the spread of pathogens in cafeterias, bathrooms, hallways, and the classroom.

Since the legislation requires equivalent cleaning effectiveness of products, the key function of the Guidelines is to define how products are to be evaluated to determine their (1) effectiveness and (2) “environmental sensitivity.” As drafted, the Guidelines do not make clear that less effective cleaning products may not be selected in the name of “environmental sensitivity.” The balance of considerations – namely, protecting the health of children and staff by using effective cleaning, sanitizing, and disinfecting products in schools versus protecting children and staff from those same cleaning products – is never fully discussed, which could be confusing to those implementing the Guidelines.

In Section V, the Guidelines then seek to avoid this balancing process altogether by adopting Green Seal standards as the sole method for gauging product compliance with the Guidelines. But the authorizing legislation anticipates that selected “environmentally sensitive” products must be equally as effective in their intended cleaning application as other products. The legislation does not say that products may be selected that are “effective enough” based on some minimum performance standard. Unfortunately, the Guidelines take this latter approach, adopting the minimum “effective enough” standards established by Green Seal. The Green Seal standards are not engineered to achieve the result desired by the Governor and Legislature – that equally effective cleaning products are selected.

(Submitted by Geoff Hall, State and Local Affairs Manager, Northeast Region, American Chemistry Council, Albany, NY on behalf of Stephen Rosario, Executive Director, NYS Chemical Alliance and William F. Carroll, Ph.D, Acting Managing Director, Chlorine Chemistry Council)

--SCJ is a global manufacturer and marketer of cleaning products and products used for home storage, air care, personal care and insect control. We market in the United States such well-known brands as Windex®, Pledge®, Raid® and Scrubbing Bubbles®. While our products are primarily found in the home, they are also quite frequently used in the workplace and in institutional settings such as schools.

SCJ supports efforts in New York to protect children and employee health by enabling schools to select products that both clean effectively and minimize adverse impacts on children and employee health and the environment. The issuance of the proposed guidelines by the Office of General Services (OGS) is consistent with SCJ's own Greenlist™ program. Our innovative and patented Greenlist™ product development process ensures that SCJ's products contain materials that are the best available for the environment and users without compromising performance, aesthetics, or cost. Our Greenlist™ process goes beyond the normal risk assessment and regulatory requirements to evaluate each raw material in every SCJ product.

SCJ supports the comments of the Soap & Detergent Association (SDA) and the Consumer Specialty Products Association (CSPA) which are being submitted in response to OGS' proposed guidelines. In addition, we offer the following comments:

Definition (p. 5) - SCJ believes it is important that the definition of "environmentally sensitive cleaning and maintenance products" includes the notion that such products meeting this preference threshold not sacrifice, product efficacy. It is our experience that cleaning products making claims of environmental

superiority or preference often do not meet industry standards for various soils, and therefore often fail to meet consumer expectations. In the school setting, it is particularly important that products clean thoroughly because of the implication for public health if they do not. Therefore, SCJ supports the OGS' inclusion of the phrase "while cleaning effectively" in the definition.

(F. H. Brewer, Director, Worldwide Government Relations, S.C. Johnson & Son, Inc. Racine, WI)

--As a member of ISSA we don't agree with their position. Green Seal and the Canadian standard Environmental Choice are the only two real standards to measure environmentally preferred products. There are over 45 manufacturers and distributors marketing Green Seal certified products therefore competition should not be an issue.

As to performance standards set within the proposed guidelines, Hillyard's position is that Green Seal performance standards should be acceptable. We would not be in favor of making that data public. (Rocky Massin, Hillyard Senior Product Manager, St. Joseph MO)